

FILED
6/22/18 1:49 pm
CLERK
U.S. BANKRUPTCY
COURT - WDPa

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE:

B.L. GUSTAFSON, LLC D/B/A GUS'S	:	Case No. 17-10514-TPA
GUNS, PRIORITY CARE AMBULANCE,	:	
B.L. GUSTAFSON EXCAVATION,	:	Chapter 11
BRYNWOOD FARM and BRIAN	:	
GUSTAFSON RENTALS,	:	Related to Doc. Nos. 167, 172, 182,
Debtor,	:	193, 196, 198, 200

ORDER

A hearing was held on confirmation of the Debtor's *Small Business Plan of Reorganization Dated May 14, 2018* (Doc. 172) and *Disclosure Statement to Accompany Small Business Plan dated May 14, 2018* (Doc. 182). At the hearing, Counsel for the IRS informed the Court of delinquent postpetition taxes and a prior check for postpetition taxes that had bounced. The Court previously entered an *Order* (Doc. 167) on April 30, 2018 which stated any future failures of the Debtor to comply with its responsibilities in bankruptcy will result in immediate dismissal with a two-year bar. Therefore,

AND NOW, this 22nd day of *June, 2018*, based on the reasons stated at the hearing and the foregoing, it is hereby **ORDERED, ADJUDGED** and **DECREED** that:

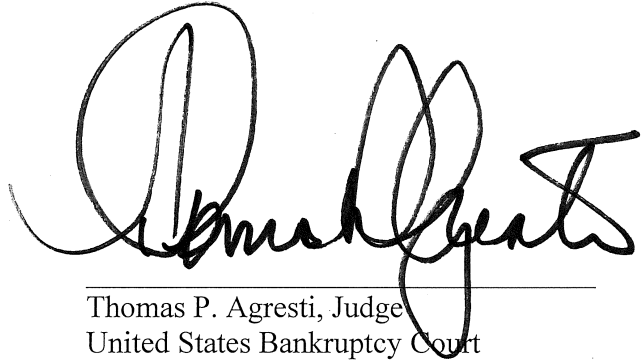
(1) The above-captioned case is **DISMISSED with a two-year bar to refiling** for failure to comply with the Court's Orders.

(2) The Debtor's *Small Business Plan of Reorganization Dated May 14, 2018* (Doc. 172) and *Disclosure Statement to Accompany Plan dated May 14, 2018* (Doc. 182) are **DENIED as moot** in light of dismissal.

(3) The *Stipulation and Agreement Between the Debtor and the Pennsylvania Department of Revenue* (Doc. 200) is **DENIED as moot** in light of dismissal.

(4) Creditor collection remedies are **REINSTATED** pursuant to *11 U.S.C. § 349*, and creditors are directed to *11 U.S.C. § 108(c)* for time limits on filing a lawsuit to collect; generally, a creditor's lawsuit must be filed by the later of (1) the time deadline prescribed by state law, or (2) thirty days after the date of this *Order*.

(5) The Debtor remains legally liable for all of their debts as if the bankruptcy petition had not been filed.



Thomas P. Agresti, Judge
United States Bankruptcy Court

Case administrator to serve:
All Creditors and All Parties in Interest

Imaged Certificate of Notice Page 3 of 4

United States Bankruptcy Court
Western District of PennsylvaniaIn re:
B.L. Gustafson, LLC
DebtorCase No. 17-10514-TPA
Chapter 11**CERTIFICATE OF NOTICE**

District/off: 0315-1

User: culy
Form ID: pdf900Page 1 of 2
Total Noticed: 27

Date Rcvd: Jun 22, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jun 24, 2018.

db +B.L. Gustafson, LLC, P.O. Box 344, Smethport, PA 16749-0344
 aty +Knox McLaughlin Gornall & Sennett, P.C., 120 West 10th Street, Erie, PA 16501-1410
 cr +Dep't of Revenue Office of Attorney General, Anthony T. Kovalchick, 1251 Waterfront Place,
 Mezzanine Level, Pittsburgh, PA 15222-4227
 cr +Office of Attorney General Department of Revenue, Robert C. Edmundson, 564 Forbes Avenue,
 Pittsburgh, PA 15219-2908
 acc +Thomas Ball Financial Services, 605 West Main Street, Smethport, PA 16749-1145
 cr +United States of America Department of the Treasur, c/oOffice of U.S. Atty for W.D. of PA,
 U.S. Post Office & Courthouse, 700 Grant Street, Suite 4000, Pittsburgh, PA 15219,
 U.S.A. 15219-1956
 14519804 +Amy B. Gustafson, 1235 West Main Street, Smethport, PA 16749-1046
 14519805 #+Brian L. Gustafson, 1235 W. Main Street, Smethport, PA 16749-1046
 14519806 +Christopher Poorman & Bobbie Jo Poorman, c/o Saltz Mongeluzzi Barrett & Bendesky,
 Attorney Robert J. Mongeluzzi, 1650 Market Street, 52 Floor, Philadelphia, PA 19103-7236
 14519807 +Clearfield Transportation Services, Inc., P.O. Box 344, Smethport, PA 16749-0344
 14645866 ++FORD MOTOR CREDIT COMPANY, P O BOX 62180, COLORADO SPRINGS CO 80962-2180
 (address filed with court: Ford Motor Credit Company LLC, PO Box 62180,
 Colorado Springs, CO 80962)
 14519808 Ford Credit, P.O. Box 220564, Pittsburgh, PA 15257-2564
 14759547 Hamlin Bank & Trust Company, 333 West Main Street, P.O. Box 367,
 Smethport, PA 16749-0367
 14519811 +John Deere Construction & Forestry Co., Robert S. Bernstein, Esq., Bernstein-Burkley, P.C.,
 707 Grant Street, Suite 2200, Pittsburgh, PA 15219-1945
 14652729 +Kubota Credit Corporation, PO Box 9013, Addison, Texas 75001-9013
 14519812 +Kubota Credit Corporation, U.S.A., c/o Kiely A. Lewandowski, Esquire, U.S. Steel Tower,
 600 Grant Street, 44th Floor, Pittsburgh, PA 15219-2713
 14519813 PA Department of Revenue, Bureau of Compliance, Dept. 280948, Harrisburg, PA 17128-0948
 14519815 +Ralph L. Gustafson, 1235 W. Main Street, Smethport, PA 16749-1046
 14519814 +Ralph L. Gustafson, 160 Jane Ware Road, Smethport, PA 16749-4916
 14708659 +Robert J. Lovell, Constance E. Lovell, c/of Michael P. Kruszewski, Esquire,
 2222 West Grandview Blvd., Erie, PA 16506-4508
 14519816 +Robert S. Bernstein, Esquire, Bernstein-Burkley, P.C., 707 Grant Street,
 Suite 2200 Gulf Tower, Pittsburgh, PA 15219-1908
 14519817 +Ryan D. Yingling, 115 Jarrett Lane, Smethport, PA 16749-2013

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
cr

+E-mail/Text: kbarkley@bernsteinlaw.com Jun 23 2018 01:51:25
 John Deere Construction & Forestry Company, c/o Kirk B. Burkley, 707 Grant Street,
 Suite 2200, Pittsburgh, PA 15219-1945
 14519809 E-mail/Text: cio.bncmail@irs.gov Jun 23 2018 01:49:56 Internal Revenue Service,
 Insolvency Unit, P.O. Box 628, Pittsburgh, PA 15230
 14519810 +E-mail/Text: jdflitigationanalyticsteam@johndeere.com Jun 23 2018 01:51:12
 John Deere Construction & Forestry Co., 6400 NW 86th Street, Johnston, IA 50131-2945
 14647638 E-mail/Text: RVSVCBICNOTICE1@state.pa.us Jun 23 2018 01:50:24
 Pennsylvania Department of Revenue, Bankruptcy division, P O Box 280946,
 Harrisburg P A 17128-0946
 14756357 E-mail/Text: RVSVCBICNOTICE1@state.pa.us Jun 23 2018 01:50:24
 Pennsylvania Department of Revenue, Bankruptcy Division, PO Box 280946,
 Harrisburg PA 17128-0946

TOTAL: 5

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr Ford Motor Credit Company LLC
 cr Hamlin Bank & Trust Company
 cr Kubota Credit Corporation
 14710108 John Deere Construction & Forestry Company
 14644222* Internal Revenue Service, P O Box 7346, Philadelphia, PA 19101-7346
 14652737* +Kubota Credit Corporation, PO Box 9013, Addison, Texas 75001-9013
 14756358* Pennsylvania Department of Revenue, Bankruptcy Division, PO Box 280946,
 Harrisburg PA 17128-0946
 14756359* Pennsylvania Department of Revenue, Bankruptcy Division, PO Box 280946,
 Harrisburg PA 17128-0946
 14756361* Pennsylvania Department of Revenue, Bankruptcy Division, PO Box 280946,
 Harrisburg PA 17128-0946

TOTALS: 4, * 5, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

District/off: 0315-1

User: culy
Form ID: pdf900

Page 2 of 2
Total Noticed: 27

Date Rcvd: Jun 22, 2018

***** BYPASSED RECIPIENTS (continued) *****

Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update. While the notice was still deliverable, the notice recipient was advised to update its address with the court immediately.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jun 24, 2018

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on June 22, 2018 at the address(es) listed below:

Anthony T. Kovalchick on behalf of Creditor Dep't of Revenue Office of Attorney General
akovalchick@attorneygeneral.gov
Brian Thomas Langford on behalf of Creditor Ford Motor Credit Company LLC PitEcf@weltman.com,
PitEcf@weltman.com
Guy C. Fustine on behalf of Debtor B.L. Gustafson, LLC mwernick@kmgslaw.com,
knoxbank@hotmail.com, burban@kmgslaw.com, mpol@kmgslaw.com
James Warmbrodt on behalf of Creditor Kubota Credit Corporation bkgroup@kmlawgroup.com
James P. Valecko on behalf of Creditor Ford Motor Credit Company LLC jvalecko@weltman.com,
PitEcf@weltman.com
Jill Locnikar on behalf of Creditor United States of America Department of the Treasury,
Internal Revenue Service jill.locnikar@usdoj.gov,
patricia.fitzgerald@usdoj.gov; caseview.ecf@usdoj.gov
John F. Kroto on behalf of Debtor B.L. Gustafson, LLC john_kroto@pawb.uscourts.gov,
knoxbank@hotmail.com, mwernicki@kmgslaw.com, burban@kmgslaw.com
Michael S. Jan Janin on behalf of Creditor Hamlin Bank & Trust Company
mjanjanin@quinnfirm.com,
knottingham@quinnfirm.com; mboni@quinnfirm.com; mgleba@quinnfirm.com; mmbquinnbankruptcy@gmail.com; m
myers@quinnfirm.com
Norma Hildenbrand, on Behalf of the United States Trustee by on behalf of U.S. Trustee
Office of the United States Trustee Norma.L.Hildenbrand@usdoj.gov
Office of the United States Trustee ustpregion03.pi.ecf@usdoj.gov
Robert C. Edmundson on behalf of Creditor Office of Attorney General Department of Revenue
redmundson@attorneygeneral.gov
Robert S. Bernstein on behalf of Creditor John Deere Construction & Forestry Company
rbernstein@bernsteinlaw.com,
pghecf@bernsteinlaw.com; cwirick@bernsteinlaw.com; rbernstein@ecf.courtdrive.com; cwirick@ecf.court
rive.com

TOTAL: 12